

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA

V.

JOSHUA S. PHY

Defendant(s).

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**Criminal No: 1:13-CR-00383-LO-4
Trial: 10/07/14
Judge: Liam O'Grady**

**DEFENDANT PHY'S MOTION TO SUPPRESS EVIDENCE SEIZED
PURSUANT TO AN INVALID SEARCH WARRANT**

COMES NOW, Defendant, **JOSHUA S. PHY**, by and through, John O. Iweanoge, II and THE IWEANOGES FIRM, P.C., his attorneys, hereby respectfully moves this Honorable Court to suppress any and all evidence, and the fruits thereof, seized pursuant to a search warrant issued on September 22, 2011, and executed by Law Enforcement to search 56 Dogwood Avenue, Gloucester City, NJ. In support of this motion, undersigned counsel states as follows:

1. Mr. Phy's residence that he occupied with his family and others was searched on or about September 22, 2011.
2. Following the aforestated search, seizure and arrest of Mr. Phy, he was subsequently indicted on October 3, 2013 by the Grand Jury alleging various offenses, including but not limited to, 18 USC § 371 Conspiracy to Intentionally Cause Damage to a Protected Computer.
3. Upon information and believe, the Affidavit in support of the search warrant contains insufficient information from which the reviewing Judge could determine probable cause.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Alexander T.H. Nguyen, AUSA
Jay V. Prabhu, AUSA
United States Attorneys' Office
for the Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, Virginia 22314

Dated: 18th day of April, 2014.

/S/
Of Counsel to Defendant

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ORDER

UPON CONSIDERATION of Defendant Phy's Motion to Suppress Evidence Seized Pursuant to a Search Warrant and any United States opposition thereto, it is thereupon this _____ day of _____, 2014.

ORDERED, that the Defendant's Motion to Suppress Evidence Seized Pursuant to a Search Warrant is hereby **GRANTED, and it is**,

FURTHER ORDERED, that _____

SO ORDERED.

Liam O'Grady
U.S. District Court Judge

Entered: _____ day of _____, 2014.

Copies sent to:

John O. Iweanoge, II
THE IWEANOGES FIRM, PC
IWEANOGE LAW CENTER
1026 Monroe Street, NE
Washington, DC 20017

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